

EDMUND G. BROWN JR., Attorney General
of the State of California
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. **2009-63**

NEIL R. VINCENT, R.N.

A C C U S A T I O N

15916 Lasselle Street, Suite D
Moreno Valley, CA 92551

Registered Nurse License No. 440380

Respondent.

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about May 31, 1989, the Board of Registered Nursing issued Registered Nurse License No. 440380 to Neil R. Vincent (Respondent). The License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2008, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
7 reason provided in Article 3 of the Nursing Practice Act (commencing with section 2750).

8 5. Section 2761 of the Codes states:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an
10 application for a certificate or license for any of the following:

11 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

12 "..."

13 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary
14 action against a health care professional license or certificate by another state or territory of the
15 United States, by any other government agency, or by another California health care professional
16 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
17 action.

18 "..."

19 6. Section 125.3 of the Code provides, in pertinent part, that the Board may
20 request the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23 **CAUSE FOR DISCIPLINE**

24 (Discipline by Another California Health Care Licensing Board)

25 7. Respondent has subjected his Registered Nurse License No. 440380 to
26 disciplinary action under section 2761, subdivision (a)(4), of the Code in that he was disciplined
27 by another California Health Care Licensing Board for conduct that was unprofessional. The
28 circumstances are as follows:


1 On or about June 23, 2008, respondent was disciplined by the California Acupuncture
2 Board (Acupuncture Board) based on allegations that he committed sexual misconduct with a
3 patient; engaged in unprofessional conduct, gross negligence, repeated negligence, and
4 incompetency in his care and treatment of a single patient; and failed to maintain adequate and
5 accurate records of a single patient. Respondent entered into Stipulated Surrender of License and
6 Order with the Acupuncture Board, which became effective July 23, 2008. A true and correct
7 copy of the Acupuncture Board's Decision and Order No.1 A-2005-155 is attached as Exhibit A
8 and is incorporated herein by reference.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse Number 440380, issued to Neil
13 R. Vincent, R.N.;
- 14 2. Ordering Neil R. Vincent, R.N., to pay the Board of Registered Nursing
15 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 9/23/08

20
21 
22 RUTH ANN TERRY, M.P.H., R.N.
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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**BEFORE THE
CALIFORNIA ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

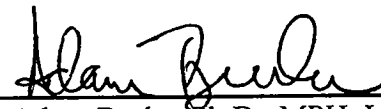
In the Matter of the Accusation Against:)	Case No. 1A-2005-155
)	OAH No. L-2007099246
NEIL RONAL VINCENT, L.Ac.)	
16365 Canyon View Drive)	
Riverside, CA 92504)	
)	
Acupuncture License No. AC 7124)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the
California Acupuncture Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on JUL 23 2008.

It is so ORDERED JUN 23 2008.



Adam Burke, Ph.D., MPH, L.Ac. Chair
Acupuncture Board
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ, State Bar No. 187442
Deputy Attorney General
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7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
ACUPUNCTURE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 NEIL RONALD VINCENT, L.AC.
16365 Canyon View Drive
14 Riverside, CA 92504
Acupuncture License No. AC-7124

15
16 Respondent.

Case No. 1A-2005-155

OAH No. L-2007099246

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Janelle Wedge (Complainant) is the Executive Director of the
21 Acupuncture Board. She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Alexandra
23 M. Alvarez, Deputy Attorney General.

24 2. NEIL RONALD VINCENT, L.Ac. (Respondent) is represented in this
25 proceeding by attorney Thomas R. Chapin, Esq., whose address is 2621 Green River road, Suite
26 105-239, Corona, CA 92882-7454.

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4. On August 17, 2007, Accusation No.1A-2005-155 was filed before the Acupuncture Board (Board) for the Department of Consumer Affairs, and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on August 20, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation No.1 A-2005-155 is attached as exhibit A and incorporated herein by reference.

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6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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12. This Stipulated Surrender of License and Order shall be subject to approval of the Board. The parties agree that this Stipulated Surrender of License and Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this stipulation after receiving it. By signing this stipulation, respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

13. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Acupuncture License No. AC-7124, issued to Respondent NEIL RONALD VINCENT, L.Ac. is surrendered and accepted by the Acupuncture Board.

1. The surrender of Respondent's Acupuncture License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as an Acupuncturist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board both his wall and pocket license certificate on or before the effective date of the Decision and Order.

4. Respondent fully understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and

1 procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
2 of the charges and allegations contained in Accusation No.1A-2005-155 shall be deemed to be
3 true, correct and admitted by Respondent when the Board determines whether to grant or deny
4 the petition.

5 5. If respondent ever petitions for reinstatement of Acupuncture License No.
6 AC-7124, all of the charges and allegations contained in Accusation No.1A-2005-155, and each
7 of them, separately and severally, shall be deemed true, correct and fully admitted by respondent
8 for purposes of any proceeding involving respondent's petition for reinstatement and any other
9 licensing proceeding involving respondent in the State of California.

10 6. Respondent shall pay the Board its costs of investigation and enforcement
11 in the amount of \$16,821.50 in thirty-six (36) payments from the effective date of the Board's
12 Decision and Order.

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1 ACCEPTANCE

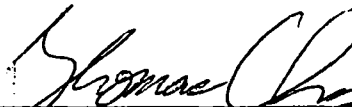
2 I have carefully read the above Stipulated Surrender of License and Order and
3 have fully discussed it with my attorney, Thomas R. Chapin, Esq. I understand the stipulation
4 and the effect it will have on my Acupuncture License No. AC-7124. I enter into this Stipulated
5 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
6 by the Decision and Order of the Acupuncture Board, Department of Consumer Affairs.

7 DATED: APRIL 24, 2008.

8 
9
10 NEIL RONALD VINCENT, L.Ac.
Respondent

11 I have read and fully discussed with Respondent NEIL RONALD VINCENT, L.Ac. the
12 terms and conditions and other matters contained in this Stipulated Surrender of License and
13 Order. I approve its form and content.

14 DATED: 4/23/08.

15 
16 THOMAS R. CHAPIN, ESQ.
17 Attorney for Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully
20 submitted for consideration by the Acupuncture Board, Department of Consumer Affairs.

21 DATED: 4/24/08

22 EDMUND G. BROWN JR., Attorney General
23 of the State of California

24 THOMAS S. LAZAR
25 Supervising Deputy Attorney General


26 
27 ALEXANDRA M. ALVAREZ
28 Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No.1A-2005-155

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 THOMAS S. LAZAR
Supervising Deputy Attorney General
3 ALEXANDRA M. ALVAREZ, State Bar No. 187442
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2580
Facsimile: (619) 645-2061

8 Attorneys for Complainant

9
10 **BEFORE THE**
ACUPUNCTURE BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 1A 2005 155

13 NEIL RONALD VINCENT, L.Ac.
16365 Canyon View Drive
14 Riverside, CA 92504

A C C U S A T I O N

15 Acupuncture License No. AC-7124

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Janelle Wedge (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Acupuncture Board, Department of Consumer Affairs.

22 2. On or about February 14, 2000, the Acupuncture Board issued
23 Acupuncture License No. AC-7124 to NEIL RONALD VINCENT, L.Ac. (Respondent). The
24 Acupuncture License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on November 30, 2007, unless renewed.

26 ///

27 ///

28 ///

FILED

AUG 17 2007

ACUPUNCTURE BOARD

JURISDICTION

3. This Accusation is brought before the Acupuncture Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4955 of the Code states:

"The board may deny, suspend, or revoke, or impose probationary conditions upon, the license of any acupuncturist if he or she is guilty of unprofessional conduct.

"...."

5. Section 4955.1 of the Code states:

" The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing a fraudulent act including, but not be limited to, any of the following:

"....

"....

"....

"....

"(e) Failing to maintain adequate and accurate records relating to the provision of services to their patients. "

6. Section 4955.2 of the Code states:

"The board may deny, suspend, revoke, or impose probationary conditions upon the license of any acupuncturist if he or she is guilty of committing any one of the following:

"(a) Gross negligence.

"(b) Repeated negligent acts.

"(c) Incompetence."

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1 7. California Code of Regulations, title 19, section 1399.453, states:

2 "An acupuncturist shall keep complete and accurate records on each
3 patient who is given acupuncture treatment, including but not limited to,
4 treatments given and progress made as a result of the acupuncture treatments."

5 8. Section 726 of the Code states:

6 "The commission of any act of sexual abuse, misconduct, or relations with
7 a patient, client, or customer constitutes unprofessional conduct and grounds for
8 disciplinary action for any person licensed under this division, under any initiative
9 act referred to in this division and under Chapter 17 (commencing with Section
10 9000) of Division 3.

11 "This section shall not apply to sexual contact between a physician and
12 surgeon and his or her spouse or person in an equivalent domestic relationship
13 when that physician and surgeon provides medical treatment, other than
14 psychotherapeutic treatment, to his or her spouse or person in an equivalent
15 domestic relationship."

16 **COST RECOVERY**

17 9. Section 4959 of the Code states, in pertinent part:

18 "(a) The board may request the administrative law judge, under his or
19 her proposed decision in resolution of a disciplinary proceeding before the board,
20 to direct any licensee found guilty of unprofessional conduct to pay the board a
21 sum not to exceed actual and reasonable costs of the investigation and prosecution
22 of the case.

23 "...."

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Sexual Misconduct With A Patient)

26 10. Respondent has subjected his Acupuncture License No. AC-7124 to
27 disciplinary action under section 726 of the Code in that he committed acts of sexual abuse,
28 misconduct, or relations with patient M.T., as more particularly alleged hereinafter:

1 April 29, 2005

2 (a) On or about April 29, 2005, patient M.T. first presented to respondent for
3 massage therapy, acupuncture and acupressure, in order to aid her in focusing on healing her
4 body and mind. Patient M.T. signed a consent form for acupuncture. Respondent prepared a
5 brief examination report, which included a diagnosis that the patient had pain of the upper
6 extremities, lumbar area and right knee. The report did not include a TCM (Traditional Chinese
7 Medicine) diagnosis. The treatment plan recommended acupuncture one to two times per week
8 and for reevaluation after four treatments.

9 (b) Respondent and patient M.T. discussed her medical history, mental health
10 background, personal life, and what she wanted from massage therapy.

11 (c) Respondent set up a massage table and provided patient M.T. a hospital
12 gown to change into. Respondent left the room as patient M.T. changed into the gown.

13 (d) Respondent returned, turned down the lights and turned on some soothing
14 music.

15 (e) Respondent performed massage, acupuncture and acupressure on the back
16 of patient M.T.'s body for an hour. Respondent did the same to the front of patient M.T.'s body.
17 During both periods, respondent straddled patient M.T.

18 (f) Respondent then gave patient M.T. acupressure on her right knee for about
19 30 minutes.

20 (g) Respondent ended the session by asking patient M.T. about her past and
21 present love life. Prior to leaving the room, respondent gave patient M.T. a hug. Respondent left
22 the room while patient M.T. dressed. She paid respondent for his services and scheduled another
23 appointment.

24 (h) Patient M.T. reported sustaining significant bruising from the treatment.
25 Respondent noted in patient M.T.'s chart that eight needles were inserted and eight needles were
26 removed; however, he did not indicate which acupuncture points were used.

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1 May 6, 2005

2 (i) Patient M.T. next saw respondent on or about May 6, 2005. Respondent
3 gave patient M.T. approximately 2.5 hours of deep tissue massage and an hour of acupuncture on
4 her feet, hands, right knee and neck.

5 (j) During this period, respondent asked patient M.T. personal questions.
6 Respondent also asked patient M.T. if she would engage in regression therapy after the massage
7 and she agreed.

8 (k) Following the regression therapy, patient M.T. woke up crying.
9 Respondent consoled patient M.T. and engaged in deeper conversation asking patient M.T. about
10 her sex and personal life. Respondent spoke about his infidelities with his wives and girlfriends
11 and about his family and sex life.

12 (l) Respondent invited patient M.T. out for a cup of coffee, but it was too late
13 at night. Respondent gave patient M.T. a hug and left the room. Respondent returned after
14 patient M.T. had gotten dressed. Patient M.T. paid him for the treatment and left. Respondent
15 failed to chart this follow-up visit.

16 (m) Patient M.T. reported that the massage was done in an unusual manner in
17 that respondent sat on the massage table with her between his legs and with her legs draped over
18 his leg. Respondent also concentrated on patient M.T.'s inner thigh.

19 May 13, 2005

20 (n) Patient M.T. next saw respondent on or about May 13, 2005. Respondent
21 greeted patient M.T. with a hug. Approximately 30 minutes into the session, respondent told
22 patient M.T. that he was going to test her. Respondent removed needles from her knee and they
23 went outside.

24 (o) Respondent and patient M.T. went to a local coffee shop. He told patient
25 M.T. to ask two people for directions to the hospital. She complied. Respondent then told
26 patient M.T. to go to a Cigar Shop and ask two men for money. When patient M.T. protested,
27 respondent became angry and told patient M.T. that she would never get better unless she did
28 what he said. After arguing for five minutes, patient M.T. went over and asked for the money.

1 Respondent approached the two persons and told them it was a class assignment, thanking them.
2 While walking away, respondent told patient M.T. that the two men were "checking her ass out,"
3 as she was asking for directions. Respondent told patient M.T. she needed to learn how to "flirt
4 better" and he would teach her.

5 (p) Patient M.T. and respondent returned to respondent's treatment room
6 where patient M.T. was given a hospital gown. Respondent left the room while patient M.T.
7 changed. When patient M.T. returned, the lights were off and soothing music was playing.

8 (q) Respondent began treating patient M.T. with a deep tissue massage on her
9 back and neck. Respondent then turned her over onto her back in an assertive and forceful
10 manner. Respondent began massaging her and was preparing to straddle her. Patient M.T.
11 stopped respondent and said it might be easier if they moved to the floor. Respondent put a sheet
12 down on the floor and the massage continued. Respondent concentrated mainly on patient
13 M.T.'s legs. After an hour, respondent said, "Congratulations! I can no longer be your therapist.
14 I can only be your friend." Respondent started massaging patient M.T.'s legs again.

15 (r) Patient M.T. expressed confusion as to respondent's statements.
16 Respondent gave patient M.T. a hug and explained that she could still receive the same deep
17 tissue acupressure and acupuncture, but for free, because he was too involved with her.

18 (s) Respondent began massaging patient M.T.'s thighs while kneeling
19 between her legs. Respondent then began massaging her beneath her panties in rhythm with the
20 music. Respondent asked patient M.T. if it was okay and she allowed him to continue.
21 Respondent removed patient M.T.'s panties and began to massage her buttocks and private areas.
22 Respondent again asked patient M.T. if it was okay and she allowed him to continue.
23 Respondent penetrated patient M.T. with his fingers and performed manual sex. Respondent
24 attempted to get on top of patient M.T., but she protested and respondent got off.

25 (t) Respondent then came to the side of patient M.T. and embraced her.
26 Respondent stated there had been a lot of emotional activity between the two. Patient M.T.
27 explained to respondent that she had been in therapy for sexual addiction and self-abuse.

28 ///

1 Respondent stated that she was not addicted to sex, just highly sexed and needed the right man.
2 Respondent said he was highly sexed and they would face the challenge together.

3 (u) Respondent told patient M.T. about his infidelities and said the two of
4 them just liked sex, but were not addicted to sex. Respondent told patient M.T. she was a
5 sensual person and needed someone like him to show her how wonderful she was. Respondent
6 began kissing patient M.T. caressing her, and kissed her breasts. Respondent moved between
7 patient M.T.'s legs and massaged them. Respondent then performed oral sex on patient M.T.
8 Respondent tried to climb back on top of patient M.T., but she would not allow it. Respondent
9 told patient M.T. that if they were going to have sex, it would have to be somewhere other than
10 the office. Respondent hugged patient M.T.

11 (v) Patient M.T. indicated to respondent that it was getting late since it was
12 11:00 p.m. They got up and respondent turned on the lights. Respondent stayed in the room as
13 patient M.T. got dressed. Patient M.T. turned away from respondent to get dressed. Respondent
14 came over to her as she was putting her bra on and turned her around roughly. Respondent told
15 patient M.T. not to face the blinds because people could still see into the office.

16 (w) Patient M.T. attempted to pay respondent for his services. Respondent
17 would not accept her money. Respondent hugged and kissed patient M.T. before they left the
18 office. Respondent told her if she was going to work with her mental health therapist on dating
19 again it would be okay to date men, but not to have sex with anyone except him. Respondent
20 failed to chart this follow-up visit.

21 **May 18, 2005**

22 (x) On or about May 18, 2005, respondent called patient M.T. at home to ask
23 how her pain level was. She indicated she was doing okay. Respondent asked patient M.T. if
24 she was doing all right or if she needed to see him for some needle work. Patient M.T. told
25 respondent that they should talk. Respondent said not on a telephone because it could be tape
26 recorded. Respondent said we could meet in a parking lot. Patient M.T. chose a public parking
27 lot to meet respondent.

28 ///

1 (y) Respondent and patient M.T. met in the parking lot. Respondent wanted
2 to make sure everything was okay between them. Respondent provided patient M.T. acupuncture
3 treatments on her right knee for two hours as they spoke.

4 (z) Patient M.T. told respondent that she was uncomfortable with what had
5 happened between them and from now on there could be no more music and dimmed lighting
6 during her treatment. Respondent said he knew it was a challenge and that was why he ended his
7 role as a therapist. Patient M.T. reiterated her addiction to sex and her problem with self-
8 inflicting pain. Respondent repeatedly suggested to patient M.T. that she leave her mental health
9 therapist and see him exclusively. Respondent said he would not accept money for the treatment.

10 **May 20, 2005**

11 (aa) On or about May 20, 2005, patient M.T. saw respondent for treatment.
12 Respondent greeted patient M.T. with a hug. Patient M.T. told respondent she only wanted
13 acupuncture and deep tissue massage, and that she did not want to undress. Respondent asked
14 patient M.T. what she had told her mental health therapist in therapy and what homework she
15 had been given by the mental health therapist. Patient M.T. gave respondent general information
16 about the therapy session with her mental health therapist and told respondent she forgot what
17 her homework assignment was.

18 (bb) Respondent started treating patient M.T. with massage and acupuncture.
19 Patient M.T. asked respondent to only treat her neck and right shoulder area. After
20 approximately 30 minutes, respondent began talking with patient M.T., and slowly started
21 massaging her legs and thighs. Respondent moved his hands into patient M.T.'s shorts. Patient
22 M.T. tensed up and respondent stopped. Respondent continued talking to patient M.T. and
23 wanted to make sure she did not say anything to her mental health therapist. Respondent told
24 patient M.T. that if she needed to talk, she could feel comfortable talking with him. Respondent
25 told her to call him anytime if she is in pain or just needed to talk. At the conclusion of
26 treatment, respondent gave patient M.T. a hug and accepted \$10.00 for payment. Respondent
27 failed to chart this follow-up visit.

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1 May 24, 2005

2 (cc) On or about May 24, 2005, patient M.T. telephoned respondent because
3 she was in extreme pain and could not go to work. Respondent returned her call later that night
4 and told patient M.T. to come to his office. When patient M. T. arrived at respondent's office, he
5 already had the music playing. Respondent asked patient M. T if she had told her mental health
6 therapist about what happened between them. Patient M.T. told respondent that she had told the
7 mental health therapist, but that the therapist could not say anything because he was bound by
8 client confidentiality privileges.

9 (dd) Respondent had patient M.T. lie face down and pulled her shirt up to begin
10 the deep tissue massage. He worked toward patient M.T.'s neck and pushed her shirt up above
11 her head. Patient M.T. removed her shirt and used it as a pillow. She was not wearing a bra.

12 (ee) Respondent set a sheet on the floor and told patient M.T. to move to the
13 floor, indicating that it would be easier for him to do the deep massage on the floor. Patient M.T.
14 got up using her shirt as a shield and laid down on the floor. Respondent turned off the lights
15 and then proceeded with the deep tissue and acupressure on patient M.T.'s back and neck.

16 (ff) While respondent was working on patient M.T.'s neck, he turned her on
17 her side and straddled her to get deep within her neck area with his forearm. Respondent
18 whispered in patient M.T.'s ear something like, "Are you ready?" and then he pushed very hard
19 on her neck with his arm. During this time, respondent held patient M.T. down with his free arm
20 and his legs. When respondent was done, he stroked and kissed patient M.T.'s neck and
21 whispered to her that she had done a good job. Respondent then turned patient M.T. on her other
22 side and straddled her again. He asked again if patient M.T. was ready and continued to massage
23 her with an unusual amount of pressure.

24 (gg) After he finished massaging her neck, respondent stroked and kissed
25 patient M.T.'s neck. He then turned patient M.T. over and began fondling her breasts and kissing
26 her. Respondent quickly started kissing down her stomach. Without asking patient M.T.,
27 respondent then took off her shorts and panties. While kissing patient M.T. on the mouth,
28 respondent penetrated patient M.T. with his fingers and performed manual sex. He continued to

1 tease her sexually and stated, "If you want more it can't happen her . . . We can go back to your
2 house." Patient M.T. agreed to go to her home. Respondent failed to chart this follow-up visit.

3 (hh) When respondent and patient M.T. arrived at her home, patient M.T.
4 found a note from a friend that upset her and made her cry. Patient M.T. asked respondent to
5 leave, but instead, he took the note from her and suggested they enter her house. When they
6 entered the house, patient M.T. sat down on the couch. She was still upset and crying.
7 Respondent pushed patient M.T. down on the couch and began to fondle and kiss her. Patient
8 M.T. stopped respondent and got up to turn on the air conditioning. When she returned, patient
9 M.T. again asked respondent to leave. Respondent stood up and began to kiss and fondle her
10 again. Patient M.T. stopped him again and asked him to leave. Respondent began walking to the
11 door, but he started to kiss and fondle her. They went to her bedroom. He started to kiss and
12 fondle patient M.T. again. She stopped him and told him that they needed condoms.

13 Respondent undressed her and threw her on the bed. He tried to sexually penetrate her, but she
14 stopped him, and got condoms. Respondent put the condom on and they had sexual intercourse.

15 (ii) Patient M.T. did not see respondent again after this incident; however,
16 respondent did telephone her twice in one day while patient M.T. was in New York to discuss his
17 concerns regarding her treatment, the disclosure of their relationship to her mental health
18 therapist, and the discontinuance of their professional and personal relationship.

19 SECOND CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)

21 11. Respondent has further subjected his Acupuncture License No. AC-7124
22 to disciplinary action under section 4955 in that he engaged in unprofessional conduct in his care,
23 treatment, and management of patient M.T., as set forth in paragraph 9 above, which is
24 incorporated herein by reference as if fully set forth herein.

25 THIRD CAUSE FOR DISCIPLINE

26 (Gross Negligence, Repeated Negligence Acts, and Incompetent)

27 12. Respondent has further subjected his Acupuncture License No. AC-7124
28 to disciplinary action under section 4955.2 in that he was grossly negligent, repeatedly negligent,

1 and incompetent in his care, treatment, and management of patient M.T., as set forth in paragraph
2 9 above, which is incorporated herein by reference as if fully set forth herein.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Failure to Keep Complete and Accurate Records)

5 13. Respondent has further subjected his Acupuncture License No. AC-7124
6 to disciplinary action under section 4955.1, subdivision (e), and Title 19, section 1399.453, of the
7 California Code of Regulations, in that during his care, treatment, and management of patient
8 M.T. he failed to maintain adequate and accurate record, as set forth in paragraph 9 above, which
9 is incorporated by reference as if fully set forth herein.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Acupuncture Board issue a decision:

13 1. Revoking or suspending Acupuncture License Number AC-7124, issued to
14 NEIL RONALD VINCENT, L.Ac. Neil Ronald Vincent, L.Ac.

15 2. Ordering Neil Ronald Vincent, L.Ac. to pay the Acupuncture Board the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
17 Professions Code section 4959; and

18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: AUG 17 2007

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22 
23 JANELLE WEDGE
24 Executive Director
25 Acupuncture Board
26 Department of Consumer Affairs
27 State of California
28 Complainant